

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

July 08, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Emilio G. Perez, Authorized Representative
Forever Recycling, LLC
246 East Main Street
Pahokee, FL 33476

Re: Compliance Assistance Offer
Forever Recycling LLC – WACS ID: 102298 – Permit No: 333423-001-WT expires: November 9, 2020
Palm Beach County

Dear Mr. Perez:

Department of Health Palm Beach County (Health Department) personnel noted several deficiencies at the Forever Recycling, LLC site during the recent site inspection on June 22, 2016 (Inspection Report is enclosed). The purpose of this letter is to offer compliance assistance as a means of resolving the current matter and to maintain compliance in the future. The department sent an email on June 30, 2016 but did not receive receipt confirmation from the authorized representative.

The Health Department inspection report indicates the facility did not comply with the following rule requirements:

1. Rule 62-711.530(2), F.A.C. requires that the facility **shall not accept** any waste tires for processing if it has reached its permitted storage limit for any category of waste tires, or if the number of waste tires on the site exceeds the quantity estimate in the closing cost estimate. (Condition No.:19, Sub Section B of the permit No: 333423-001-WT)

Inspection observation: At the time of the inspection, facility records indicated 18,016 tires were stored onsite; while Health Department staff estimated approximately 45,000 tires were stored onsite. The facility's closing cost estimate was based on 3,500 tires (permitted capacity). Mr. Perez (father of the Authorized Representative) was advised during the inspection that he shouldn't continue to receive additional tires once the limit has been reached.

2. Rule 62-711.540(3) (b), F.A.C. requires an outdoor waste tire pile shall have no greater than the following maximum dimensions:
Width: 50 feet;
Area: 10,000 square feet; and
Height: 15 feet.
(Condition No.:22, Sub Section B of the permit No: 333423-001-WT)

Inspection observation: The north pile of loose tires was approximately 60 feet wide.

3. Rule 62-711.540(1) (g), F.A.C. requires the operator of the site shall maintain records of the quantity of waste tires received at the site, stored at the site, and shipped from the site. And per Rule 62-711.400(5), F.A.C., No person may contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the Department or exempt from registration requirements. Any person contracting with a waste

Florida Department of Health, Palm Beach County
Division of Environmental Public Health
800 Clematis Street, 4th Floor
West Palm Beach, FL 33401
PHONE 561-837-5974 • FAX 561-837-5295
FloridaHealth.gov, Flhealthpalmbeach.org



Accredited Health Department
Public Health Accreditation Board

tire collector for the transportation of more than 25 waste tires per month from a single business location shall maintain records for that location and make them available for review by the Department or by law enforcement officers. These records shall contain the date when the tires were transported, the quantity of tires, the registration number of the collector, and the name of the driver. (Condition No.:20 (g) Sub Section B and 27 subsection C of the permit No: 333423-001-WT)

Inspection Observation: Records are not maintained accurately. Records reviewed during the inspection the facility currently have 18,016 tires onsite. However based on observations and field estimates, there appeared to be approximately 45,000 tires stored onsite including baled tires.

4. Rule 62-711.540(1) (j), F.A.C. requires that the owner or operator shall provide for control of mosquitoes and rodents so as to protect the public health and welfare. (Condition No.:20 (j), Sub Section B of the permit No: 333423-001-WT)

Inspection Observation: No records were available during the inspection to indicate action being taken to control mosquitoes and rodents at the facility.

PLEASE BE ADVISED this compliance assistance offer is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request you review the above noted items of concern and respond in writing within 7 days of 'receipt of this certified mail' offer. Your written response should either:

1. Provide information that either mitigates the concerns or demonstrates them to be invalid,
2. Describe what you have done to resolve the issue, including expedited removal of excess tires to permit capacity, OR
3. Arrange for one of our inspectors to meet at our office or visit your facility to offer suggested actions to return to compliance.

It is the Health Department's desire that you will be able to document compliance or corrective actions concerning the possible violations identified above so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Please submit your written response to Jorge Patino of the Health Department via e-mail (Jorge.patino@flhealth.gov) or to the mailing address on the cover page of this letter. If you have any questions, please contact Kajal Bhavsar or Jorge Patino at 561-837-5974. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Laxmana Tallam, P.E., Environmental Administrator
Air and Waste Section

Cc: Karen E. Kantor, DEP/SED
Mark L. McLean, SWA
Laxmana Tallam, DOHPBC
Jaime Morales, DOHPBC
Chandler F. Williamson, City of Pahokee
Emilio Perez, Onsite Representative

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Enclosure: Inspection Report – June 22, 2016

Mission:

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June 30, 2016

ELECTRONIC CORRESPONDENCE

tuiwarehouse@yahoo.com

Emilio G. Perez, Authorized Representative
Forever Recycling, LLC
246 East Main Street
Pahokee, FL 33476

**E-MAILED, THEN
CERTIFIED MAIL ON
07-08-16**

Re: Compliance Assistance Offer
Forever Recycling LLC – WACS ID: 102298
Palm Beach County

Dear Mr. Perez:

Department of Health Palm Beach County (Health Department) personnel noted several deficiencies at the Forever Recycling, LLC site during the recent site inspection on June 22, 2016 (Inspection Report is enclosed). The purpose of this letter is to offer compliance assistance as a means of resolving the current matter and to maintain compliance in the future.

The Health Department inspection report indicates the facility did not comply with the following rule requirements:

*Rule 62-711.530(2), F.A.C. requires that the facility **shall not accept** any waste tires for processing if it has reached its permitted storage limit for any category of waste tires, or if the number of waste tires on the site exceeds the quantity estimate in the closing cost estimate.*

Area of Concern #1: At the time of the inspection, facility records indicated 18,016 tires were stored onsite, while Health Department staff estimated approximately 45,000 tires were stored onsite. The facility's closing cost estimate was based on 3,500 tires (permitted capacity). Mr. Perez (father of the Authorized Representative) was advised during the inspection that he shouldn't continue to receive additional tires once the limit has been reached.

Rule 62-711.540(3)(b), F.A.C. requires an outdoor waste tire pile shall have no greater than the following maximum dimensions:

1. Width: 50 feet;
2. Area: 10,000 square feet; and
3. Height: 15 feet.

Area of Concern #2: The north pile of loose tires was approximately 60 feet wide.

Rule 62-711.540(1)(a), F.A.C. requires the operator of the site shall maintain records of the quantity of waste tires received at the site, stored at the site, and shipped from the site. And per Rule 62-711.400(5), F.A.C., No person may contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is

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registered with the Department or exempt from registration requirements. Any person contracting with a waste tire collector for the transportation of more than 25 waste tires per month from a single business location shall maintain records for that location and make them available for review by the Department or by law enforcement officers. These records shall contain the date when the tires were transported, the quantity of tires, the registration number of the collector, and the name of the driver.

Area of Concern #3: Records reviewed during the inspection the facility currently has 18,016 tires onsite. However based on observations and field estimates, there appeared to be approximately 45,000 tires stored onsite including baled tires.

Rule 62-711.540(1)(i), F.A.C. requires that the owner or operator shall provide for control of mosquitoes and rodents so as to protect the public health and welfare.

Area of Concern #4: No records were available during the inspection to indicate action being taken to control mosquitoes and rodents at the facility.

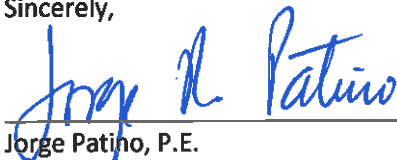
PLEASE BE ADVISED this compliance assistance offer is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request you review the above noted item of concern and respond in **writing within 7 days of 'received receipt' of this email offer.** Your written response should either:

1. Provide information that either mitigates the concerns or demonstrates them to be invalid,
2. Describe what you have done to resolve the issue, including expedited removal of excess tires to permit capacity, OR
3. Arrange for one of our inspectors to meet at our office or visit your facility to offer suggested actions to return to compliance.

It is the Health Department's desire that you will be able to document compliance or corrective actions concerning the possible violations identified above so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Please submit your written response to Jorge Patino of the Health Department via e-mail (Jorge.patino@flhealth.gov) or to the mailing address on the cover page of this letter. If you have any questions, please contact Kajal Bhavsar or Jorge Patino at 561-837-5974. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



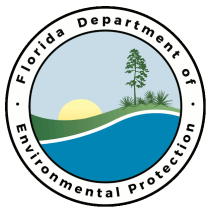
Jorge Patino, P.E.
Air and Waste Section

Cc: Karen E. Kantor, DEP/SED
Mark L. McLean, SWA
Laxmana Tallam
Jaime Morales, DOHPBC
Emilio Perez, Onsite Representative

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Jaime.Morales@flhealth.gov
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Enclosure: Inspection Report – June 22, 2016



Florida Department of
Environmental Protection
Inspection Checklist

Draft

FACILITY INFORMATION:

Facility Name: FOREVER RECYCLING

On-Site Inspection Start Date: 06/22/2016

On-Site Inspection End Date: 06/22/2016

WACS No.: 102298

Facility Street Address: 857 1/2 OLD BELLE GLADE RD

City: PAHOKEE

County Name: PALM BEACH

Zip: 33476

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Kajal H Bhavsar, Engineering Specialist III

Other Participants: Jorge Patino, Inspector; Emilio Perez, Representative

INSPECTION TYPE:

Routine Operation Inspection for WPF - Waste Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 1.0 - FILE REVIEW

SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 06/22/2016

Draft

SECTION 1.0 - FILE REVIEW**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.6	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)				✓
1.12	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 06/22/2016

Draft

SECTION 9.0 - WASTE TIRE FACILITIES**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
9.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
9.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event) 62-701.300(2)(d)	✓			
9.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			

Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE Completed	Ok	Not Ok	Unk	N/A
9.6	If the facility accepts tires from the public, is a sign posted at the facility entrance stating operating hours, cost of disposal and site rules? 62-711.540(1)(a)	✓			
9.7	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)	✓			
9.8	If the facility accepts tires from the public, is an attendant always present on site when the site is open for business? 62-711.540(1)(c)	✓			
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)	✓			
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	✓			
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	✓			
9.13	Does the EPM contain the following information? (Check all that are Not OK) <input type="checkbox"/> Contact names and numbers 62-711.540(1)(e)1 <input type="checkbox"/> List of emergency response equipment and locations on-site 62-711.540(1)(e)2 <input type="checkbox"/> Procedures to be followed in the event of a fire 62-711.540(1)(e)3	✓			
9.14	Is the operator at the facility maintaining records of the quantity of waste tires received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)		✓		
9.15	If the operator of the site is not the owner of the property, has written authorization been obtained from the property owner to operate the facility? 62-711.540(1)(h)				✓
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.17	Is the owner or operator providing for control of mosquitoes and rodents so as to protect the public health and welfare? 62-711.540(1)(j)		✓		

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
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Inspection Date: 06/22/2016

Draft

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)				✓
9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)				✓
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)				✓
9.21	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)				✓
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)				✓
9.23	If waste tires are stored up to 15 feet high, do walls between adjacent warehouse areas and between manufacturing and warehouse areas have at least a four-hour fire rating? 62-711.540(2)(e)				✓
9.24	If waste tires are stored over 15 feet high, do walls between manufacturing and warehouse areas have a fire rating of not less than six hours and do steel columns have one-hour fireproofing? If the top of storage exceeds 20 feet in height, do columns and their connections with other structural members have two-hour fireproofing? 62-711.540(2)(f)				✓
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)				✓

Item No.	WASTE TIRE FACILITY - STORAGE OUTDOORS Completed	Ok	Not Ok	Unk	N/A
9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)	✓			
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)		✓		
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)	✓			
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)	✓			
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)	✓			
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)	✓			
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)	✓			
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	✓			
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)	✓			
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)	✓			
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standards as allowed by rule? 62-711.540(6)				✓

Item No.	WASTE TIRE FACILITY - COLLECTION CENTER Completed	Ok	Not Ok	Unk	N/A
9.37	Are no more than 1,500 tires at the collection center at any one time? 62-711.550(1)(a)				✓
9.38	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)				✓

Current Areas Of Concern:

Rule: 62-711.540(3)(b)

Question Number: 9.27

Explanation: North pile of loose tires was approximately 60 feet wide.

Corrective Action: A compliance assistance offer will be sent to the facility to address areas of concern.

Inspection Date: 06/22/2016

Draft

Rule: 62-711.540(1)(g), 62-711.400(5)
Question Number: 9.14
Explanation: Records reviewed during the inspection the facility currently has 18,016 tires onsite. However based on observations and field estimates, there appeared to be approximately 45,000 tires stored onsite including baled tires.
Corrective Action: Compliance assistance will be offered to the facility with deadlines for compliance.

Rule: 62-711.540(1)(j)
Question Number: 9.17
Explanation: A copy of plan or documentation of control of mosquitoes and rodents was not available for review during the inspection.
Corrective Action: A copy of this information will be requested as part of the compliance assistance offer.

COMMENTS:

06/28/2016

I, Kajal Bhavsar, and Jorge Patino performed an inspection of the Tire Processing Facility on 06/22/2016 from approximately 1:00 p.m. to 2:00 p.m. Upon arrival, we were greeted by Mr. Emilio Perez (Senior) the father of the Forever Recycling owner, who proceeded to show us the tire storage records and piles onsite. Mr. Emilio indicated that Wheelabrator has been down for a couple of months due to repairs and maintenance so tires have been piled at the site only. He mentioned that as soon as the Wheelabrator plant is back in operation, they will start tire deliveries as soon as possible. (According to Mr. Perez, Forever Recycling has a contract with Wheelabrator to dispose tires.) We advised Mr. Perez that this facility is permitted for 3500 tires only, that he shouldn't continue to receive additional tires once the limit has been reached and that the plan to come into compliance must be drafted and implemented immediately. We also advised that the facility may consider applying for a permit modification to increase the tire limit and reminded that the 2nd quarterly report is due by the 20th of July, 2016. There were multiple areas of concern identified during the inspection will be addressed further separately in a compliance assistance offer. (Please refer to the areas of concern described in the report, pictures and other supporting documents for additional details):

ATTACHMENTS:

Baled tires pile1



Baled Tires pile looking SW



Looking West Baled piles 1,2 & 3



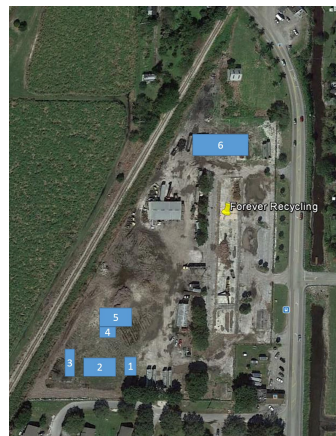
Looking East Baled Tires pile 5



Looking NE Tire pile 6



Tire Pile Map



Inspection Date: 06/22/2016

Draft

Signed:

Kajal H Bhavsar

PRINCIPAL INSPECTOR NAME

Engineering Specialist III

PRINCIPAL INSPECTOR TITLE

K.B.

PRINCIPAL INSPECTOR SIGNATURE

DEP

ORGANIZATION

6/27/2016

DATE

Jorge Patino

INSPECTOR NAME

Inspector

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

Emilio Perez

REPRESENTATIVE NAME

Representative

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.